TRAVANCORE GOVERNMENT GAZETTE, SUPPLEMENT.

TUESDAY, 6th December 1898

Abstract Proceedings of the Travancore Legislative Council.

The Council met in the Dewan's room, Public Offices, at 2 P. M. on Saturday the 3rd December 1898. / 19th Vrichigom 1074.

PRESENT.

M. R. Ry. K. Krishnaswamy Rao Avergal, Dewan Bahadur., F. M. U., Dewan ... ... *Presiding.*

M. R. Ry. P. Thanu Pillai Avergal, M. A.

Mr. I. H. Prince.

Mr. K. Kuruvila, B. C. E.

M. R. Ry. K. Kochukrishna Marar Avergal, B. A., B. L.

Secretary.—I beg to announce that the Penal Code Bill, passed by the Council on the 21st May 1898, received the Royal assent on the 17th September 1898, and has become law as Regulation I of 1074, with effect from the 1st Makarom 1074.

The following papers were then reported to the Council:—

No.	From whom received.	Subject.
1	Aiyyappen Narayanen & others of Kottarakara Taluq ...	Marumakkathayam Marriage Bill.
2	Vareed Pothen and others of Changanacherry.	Criminal Procedure Code Amendment Bill.
3	Mr. G. Venkitasubramoney Iyer, Tahsildar of Kalkulam ...	Do.
4	Veloo Pillay, Trivandrum	Do.

GUARDIAN AND WARDS BILL.

Mr. Kochukrishna Marar.—I beg leave to apply for permission to introduce the Guardian and Wards Bill. In doing so, however, I do not mean detaining the Council for any length of time by making the customary speech embodying the reasons which have made legislation on the subject necessary. It appears to me that, in the present case, such a course is not only unnecessary but even out of place. It is a proposition that will be readily conceded by all that the case of the persons and properties of minors is an object of peculiar, I may even say, anxious solicitude on the part of every enlightened Government. We know that there is not a civilized country in the whole world which has not made some provision or other for the superintendence and protection of such of its infant population as have the misfortune to be left without a lawful protector. In England, the jurisdiction assumed by the Courts of Chancery over infants was even supposed to have its just and rightful

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foundation in the prerogative of the Crown, flowing from its general power and duty as *parens patriae* to protect all those who have no one to look after them. Under these circumstances, I feel sure I shall be deemed to have made out a case for legislation, if I simply state that in Travancore we have as yet no law on the subject.

As regards the main features of the Bill, I need only say they are the same as those in Act No. VIII of 1890 which is the law on the subject in British India. A few slight changes here and there, rendered necessary by the peculiarities of our country, have however been introduced. What they are and why I have brought them in will be explained at a later stage, whether a case for legislation has been made out being all we are concerned with at present.

Permission was granted accordingly.

CIVIL PROCEDURE CODE AMENDMENT BILL.

Mr. Thanu Pillai.—At the last meeting of the Council I asked for and obtained permission to introduce a Bill to amend the Code of Civil Procedure and in pursuance of that permission I now beg to introduce the Bill. The main provisions of the Bill have been explained in the Statement of Objects and Reasons; and I do not think I need make any further observations at this stage. I would therefore under para 33 of the Council Rules move that the Bill be read in Council.

The principle of the Bill having been affirmed, Mr. Thanu Pillai proposed that the Bill be referred to a Select Committee consisting of Messrs. Prince, Ramier, Kochukrishna Marar and the Mover, to report within three months.

Seconded by Mr. Kuruvila.

Carried.

ABKARI REGULATION AMENDMENT BILL.

Mr. Thanu Pillai.—The Bill has been already published in the Gazette under Rule 32, but the period of fifteen days mentioned in Rule 33 not having elapsed, I beg in the first place to move under Rule 66 that the latter part of Rule 33 be suspended.

The Council having suspended the Rule as applied for, Mr. Thanu Pillai introduced the Bill and in doing so observed:—

"The Bill contains only one section. The Council will perhaps remember that in the original Bill of which I was in charge and which became law as Regulation IV of 1073, there was a first para to section 61. That para was taken from the corresponding section of the Madras Abkari Act (I of 1886) and introduced a special rule of presumption in prosecutions under the Abkari Regulation. The Select Committee on the Bill thought that the necessity for such a statutory presumption was not quite apparent and omitted the provision. The Regulation has been in force for some time and it has been brought to the notice of Government that the absence of the provision renders it difficult to enforce the Regulation criminally, and that any failure of the law to deal with Abkari offences would not only affect the revenue of this State, but also re-act on the neighbouring territories and facilitate smuggling. I may here point out that such a legal presumption is provided for in almost every Revenue Regulation here and in British India. I would refer you to section 7 of the Opium and Bhang Regulation (VI of 1063) and section 52 of the Forest Regulation (II of 1068), and it does not appear that the rule has in any case worked practical hardship. I beg therefore to move that the Bill be read in Council and its principle affirmed."

After some discussion the principle of the Bill was affirmed.

Mr. Thanu Pillai.—I do not think this Bill need go before a Select Committee. I beg to move that Rule 45 be suspended and the Bill be taken up for consideration by the Council at once.

The Council accordingly suspended the Rule and proceeded to the consideration of the Bill. No amendments having been proposed, Mr. Thanu Pillai moved under Rule 50, first para, that the Bill be taken up and passed at a subsequent meeting of which notice shall be given.

Seconded by Mr. Prince.

Carried.

The Council adjourned at 2-30 P. M.

K. KRISHNASWAMY RAO,

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